

# Cleanup

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Similarly, if the EPA decides that an offer is not in good faith, it can move on its own to clean up the dump and bill the parties, he said.

Raubvogel said it was cheaper for private businesses to clean up Superfund sites on their own because "they don't have the kind of transaction costs that a large bureaucracy like the EPA would have."

"If we did the work and billed them later, we'd bill not just the direct costs, but enforcement related costs, the costs of the lawyers, court costs to the extent we have to litigate, overhead costs to run the Superfund program as well as the interest on the money we spend," said Raubvogel.

If the EPA considers an offer valid, "we're willing to continue for an extra 30 days to reach a final agreement," Raubvogel said. "A good faith offer is usually just a starting point."

"It's just an amazing process you have to go through," town Selector Richard Sears said

Monday. "How it will all end up, I just don't know."

Sears said it was "unfortunate" that the potentially responsible parties "seem to be in an adversarial position with the EPA, rather than working together."

Sears pointed out that the average cleanup cost nationwide for a Superfund site is about \$25 million. "The EPA doesn't really care what damage they do to businesses, they just want it cleaned up," he said of the landfill.

The town's attorney has estimated it will take at least 18 months and about \$1.5 million, not counting the \$219,000 the EPA wants to be reimbursed, to study the 28-acre landfill and propose a plan to clean it up.

According to the EPA, local industries dumped liquid wastes at the site from 1969 to 1975, contaminating ground water; surface water and sediment with PCBs, heavy metals and volatile organic compounds.

The agency wants the site cleaned up by 1997.

# Cleanup Plan Deadline Today

EPA  
By PETER CRABTREE

BENNINGTON — When the clock strikes 5 p.m. Tuesday, the U.S. Environmental Protection Agency expects to have "a good faith offer" for the study of the polluted town landfill from 27 parties held potentially responsible for its cleanup.

The town of Bennington, local industries and waste haulers were named by the agency in March as contributing to the pollution of the Superfund site, closed since 1989. The EPA gave them 60 days to respond with a plan to study the extent of pollution there and agree to reimburse it \$219,000 for a preliminary study.

The 27 parties, which include Bijur Lubricating Corp., Johnson Controls Inc., Eveready Battery Co. and The Bennington Banner, have met behind closed doors at

least four times, most recently on Friday, to decide on a response, according to officials. The group named Town Manager Kevin Ryan as chairman of their steering committee.

The town's attorney, James A. Thompson, met with EPA officials in Boston on Monday, according to a secretary at his Hartford, Conn., law firm. Local officials said Ryan was out of state on Superfund business Monday but would not say more.

Tuesday's 5 p.m. deadline is significant because after that the agency has the discretion to say "all bets are off," clean up the landfill on its own and bill the parties for millions in related costs, according to Andrew Raubvogel, an assistant regional counsel at the EPA's Boston office.

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